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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,207	06/20/2002	Toshiya Kamakura	1852-020408	9369

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EXAMINER

JELINEK, BRIAN J

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,207

Applicant(s)

KAMAKURA ET AL.

Examiner

Brian Jelinek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/20/2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/30, 4/18</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This is a first office action in response to application no. 10/070,207 filed on 6/20/2002 in which claims 1-8 are presented for examination.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinji (JP Pub. No. 11-064742).

Regarding claim 1, Shinji discloses a field scope with a digital video camera (Fig. 1) comprises: an observation optical system having an objective optical system (Fig. 1, element 18) and an ocular optical system (Fig. 1, element 11); beam-splitting means for taking a part of a light beam advancing along the light path of said observation optical system out from said light path (Fig. 1, element 12), and guiding the rest of the light beam to said ocular optical system; and an image pickup unit for receiving the separated light beam (Fig. 1, element 14).

Regarding claim 2, Shinji discloses the beam-splitting means is a beam splitter that reflects a part of the light beam advancing along the light path of said observation optical system to the outside of said light path and transmits the rest of the light beam (Fig. 1, element 12).

Regarding claim 4, Shinji discloses an image-recording device for reversing the optically antipodal image having been made by said beam splitter to an erecting image (Technical Problem, par 7).

Regarding claim 5-6 and 8, Shinji discloses the image pickup unit comprises a CCD image pickup element (Fig. 1, element 14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinji (JP Pub. No. 11-064742).

Regarding claim 3, Shinji discloses in his invention correcting the reversal of an image caused by the beamsplitter (Technical Problem, par 3) may be accomplished by the readout of the image sensor (Technical Problem, par 7). Shinji fails to disclose in

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his invention correcting the reversal of an image caused by the beamsplitter (Technical Problem, par 3) may be accomplished using a prism.

However, Shinji discloses in the background of his invention that it is conventional to correct the reversal of an image caused by the beamsplitter (Technical Problem, par 3) using a prism (Technical Problem, Description of the Prior Art, par 3-4). One of ordinary skill in the art would have used a prism inserted between a beam splitter and an image sensor to correct the reversal of an image caused by a beamsplitter because it is conventional in the art to do so for obtaining a suitable image for imaging (Technical Problem, Description of the Prior Art). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a reflecting optical system, placed between said beam splitter and said image pickup unit, for reversing the optically antipodal image having been made by said beam splitter to an erecting image because it is conventional in the art to do so for obtaining a suitable image for imaging.

Regarding claim 7, Shinji discloses the image pickup unit comprises a CCD image pickup sensing element (Fig. 1, element 14).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (703) 305-4724 until 3/2/2005, and (571)272-7366 thereafter. The examiner can normally be reached on M-F 8:00 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Thai Tran can be reached at (703) 305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek
2/22/2005



THAI TRAN
PRIMARY EXAMINER